

**Statement of Robert Quint
Acting Deputy Commissioner, Bureau of Reclamation
U.S. Department of the Interior
Before the
House Committee on Natural Resources
Subcommittee on Water and Power**

**On H.R. 2498
September 25, 2007**

Madam Chairwoman and Members of the Subcommittee, I am Robert Quint, Acting Deputy Commissioner of the Bureau of Reclamation. I am pleased to be here today to provide the Department of the Interior's views on H.R. 2498, a bill to authorize a study on coordinating and integrating sub-regional interrelated regional water management plans into a unified integrated plan in the San Joaquin River and Tulare Lake Hydrologic Regions in the San Joaquin Valley of California.

Ongoing activities in Reclamation's Central Valley Project in California are currently addressing the need targeted by this proposed study. Furthermore, the legislation does not identify a Reclamation funding source for the study and without an additional appropriation, it would be drawn from other existing programs, compromising that work. As such, the Administration does not support H.R. 2498 at this time.

This legislation would direct the Secretary of the Interior, acting through the Bureau of Reclamation, to award a grant to the California Water Institute, not later than 120 days after the date of the enactment of this Act. The Institute would prepare an Integrated Regional Water Management Plan (Plan) for the eight counties encompassed by the two hydrologic basins that would address issues related to water quality, water supply (both surface and groundwater banking, and brackish water desalination), water conveyance, water reliability, flood control, water resource-related environmental enhancement, and population growth.

H.R. 2498 also directs the Secretary to ensure that a report containing the results of the Plan is submitted to this Committee and the Senate Committee on Energy and Natural Resources not later than 24 months after the grant is awarded and authorizes the appropriation of \$1 million to carry out the Act.

There are many water supply issues in the San Joaquin Valley and many of these issues have a Federal nexus. It is important for local communities to evaluate and address the future needs and find solutions for potential shortfalls. Through the existing Acts authorizing various units and divisions of the Central Valley Project, Reclamation is already actively working on issues that could be evaluated by the Plan. These issues include water quality and supply, surface and groundwater banking, water conveyance, water reliability, flood control, and water resource-related environmental enhancement.

Reclamation has concerns about the budget impact of H.R. 2498. H.R. 2498 also does not identify a specific Reclamation program or activity responsible for the Institute's grant. Potential sources include CALFED, Upper San Joaquin River Basin Storage Investigation, San Joaquin River Restoration Program, San Luis Unit Drainage, and the Salinity and Boron Total Maximum Daily Load on the Lower San Joaquin River.

In addition, the legislation does not specify actions Reclamation should take to ensure that the Institute submits a report to Congress within the 24-month timeframe referenced in the bill.

That concludes my prepared remarks. I would be pleased to answer any questions.

**Statement of Robert Quint, Acting Deputy Commissioner
Bureau of Reclamation
U.S. Department of the Interior
Before the
House Committee on Natural Resources
Subcommittee on Water and Power
On H.R. 2535
September 25, 2007**

Madam Chairwoman and Members of the Subcommittee, I am Robert Quint, Acting Deputy Commissioner of the Bureau of Reclamation. I am pleased to be here today to provide the Department of the Interior's views on H.R. 2535, the Tule River Tribe Water Development Act. Due to ongoing settlement negotiations with Tule River Tribe as well as the need for a complete appraisal level study to precede a feasibility authorization, the Administration feels that it is premature to authorize this study and cannot support H.R. 2535 at this time.

This legislation would direct the Secretary of the Interior "to conduct a study on the feasibility and suitability of constructing a storage reservoir, outlet works, and a delivery system for the Tule River Indian Tribe of California to provide a water supply for domestic, municipal, industrial, and agricultural purposes, and for other purposes." The Act would authorize \$3 million for Reclamation to conduct a feasibility study to be completed within 2 years after funds are appropriated or the signing of a reserved water rights settlement agreement by the Tule River Tribe and other settling water users, whichever is later. Without a completed appraisal level study, it is premature to authorize this study. The authorization of \$3 million for this study would further compete with the funding needs of other already authorized projects. Additionally, the legislation does not specify a local cost share for the authorized study.

Settlement agreement negotiations have been taking place for several years between the Tribe, downstream water users, and the Federal negotiation team regarding the Tribe's federally reserved water rights. These negotiations are ongoing and not all issues have been resolved, including issues relating to Federal contribution. Until the Administration has completed its analysis of the proposed settlement under the *Criteria and Procedures for the Participation of the Federal Government in Negotiations for the Settlement of Indian Water Rights Claims* ("Criteria") (55 Fed. Reg. 9223 (1990)), which are the framework we use to evaluate settlements, it is premature to take a position upon the scope, schedule, and cost of the feasibility study that is proposed in this legislation. An appraisal level study is also a necessary part of the process; Reclamation generally requires completion of an appraisal level study before considering whether the project warrants continuing to a feasibility-level analysis. Reclamation understands that the Tribe has conducted a substantial amount of reconnaissance/appraisal-level technical, planning, and environmental work over the past decade; however, Reclamation has not reviewed these documents nor determined that they would fulfill the requirements for an appraisal study.

Typically, a feasibility study of this size and shape and National Environmental Policy Act compliance takes from 3 to 5 years to complete with significant costs. Actual costs for this study

would be determined via a Plan of Study, which would be developed after study authorization and appropriations are provided. The time and cost to complete the feasibility study and environmental documentation for the Tule River Tribe Water Development Project could be shortened if the Tribe's technical and environmental analyses and documentation are sufficient and compatible with Federal requirements. The costs of a feasibility study are significant and may exceed the \$3 million authorization in this bill.

Reclamation understands the importance of a reliable water supply and will continue to work with the Tribe toward this goal in addressing the issues described above.

That concludes my prepared remarks. I would be pleased to answer any questions.